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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,912	06/25/2001	Lynn J. Cresswell	CRE-01	5105

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LAW OFFICE OF DAVID L. TINGEY
321 BURNETT AVE. S., STE 303
RENTON, WA 98055

EXAMINER

OCAMPO, MARIANNE S

ART UNIT PAPER NUMBER

1723

DATE MAILED: 08/27/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,912

Applicant(s)

CRESSWELL, LYNN J.

Examiner

Marianne S. Ocampo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6,7,10,13-17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10,15 and 16 is/are allowed.
- 6) ☒ Claim(s) 3,13-14 and 19 is/are rejected.
- 7) ☒ Claim(s) 4,6,7 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 13 January 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Withdrawal of Finality of last Office Action

1. Applicant's after final submission which included proposed amendments after final filed on 7-21-03 have been considered by the examiner and entered. The amendments after final have overcome the previously applied prior art and thus, this application has been reopened and the examiner has performed an updated search. After an updated search, new prior art has been found and the new rejections based on US Patents 5,291,921 (Devine) and 5,143,178 (Latham, Jr.) are as follows:

Drawings

2. The proposed drawing changes in particular, referring to Figure 4 filed with the Amendments and Remarks (Paper no. 5) on 1-13-03, has been approved by the examiner.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the term "planar" which has been used to limit the configuration of the

platform, as in the amended base claim 1, lacks proper antecedent basis in the specification for the claimed subject matter. What is the scope of this new term/limitation "planar platform"?

Claim Objections

4. Claim 14 is objected to because of the following informalities: it currently depends upon a canceled claim (i.e. claim 12). Appropriate correction is required. For examination purposes, the examiner has considered claim 14 to depend from claim 13, not canceled claim 12.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devine (US 5,291,921) in view of Latham, Jr. (US 5,143,178).

7. Concerning claim 1, Devine discloses a "wash bucket screen" (20) [the term "screen" has been broadly define to include any devices used for filtering, separating or draining a constituent (usually solids) from any fluid (liquids or gases)] capable of use with a water bucket/pail or container (12) having a bottom and wall, the screen comprising a planar platform (22, 26) with at least one hole therethrough and the platform slanting from a high platform perimeter portion to a lower platform perimeter causing debris (caught/separated by the screen device) to slide off the platform over the platform perimeter and a skirt (34) depending vertically from a skirt proximal end (24) supporting the platform (22, 26) above a skirt distal end (36) which can be adapted to rest on a bucket bottom, as in figs. 1 – 3 and cols. 1 - 4. Devine fails to disclose the platform having a plurality of holes therethrough arrayed throughout the platform. Latham, Jr. teaches a similar device/screen to that of Devine, the screen (10) of Latham Jr. having a planar platform (44) with a plurality of holes (48) therethrough arrayed throughout the platform (44) and the platform slanting from a high platform perimeter to a lower platform perimeter portion causing debris to slide off the platform over the platform perimeter, as in figs. 9 – 10 and col. 5. It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the platform of the device/screen of Devine by adding the embodiment taught by Latham, Jr., in order to provide an improved drainage pan/screen device which allows not only for sliding off debris (thereby helping and allow the separation of debris from a liquid such as dirty water) but also provide for a quicker and plural outlet means to conduct the separated fluid/liquid away from the debris collected on the platform.

8. With respect to claim 3, although Devine does not disclose the platform skirt (34) being adapted to extend to a bucket wall, it is considered obvious to one of ordinary skill in the art that upon placing the device of Devine in a smaller sized bucket or a bucket having a smaller diameter than that of the platform, that the platform skirt (34) of Devine is capable of providing an effective splash shield between the screen and the bucket wall. Since in this application and particular claim, the examiner has considered the bucket not a positively recited part/feature of the claimed invention (which is only that of the rinse/wash bucket screen).

9. Regarding claim 13, Devine further discloses the platform further comprising a plurality of ridges (formed by members 40, 44), as in fig. 1.

10. With regards to claim 19, Devine discloses a "wash bucket screen" (20) [the term "screen" has been broadly define to include any devices used for filtering, separating or draining a constituent (usually solids) from any fluid (liquids or gases)] capable of use with a water bucket/pail or container (12) having a bottom and walls or a single cylindrical or frustum wall, the screen (20) comprising a planar platform (22) slanted from horizontal in a single plane and capable of being supported above a bucket bottom on a vertical skirt (34) depending from a platform perimeter and sized such that it has the ability to be flexibly engaging a bucket wall (in other words, the walls or skirt of the screen of Devine being made of a flexible plastic such as polyethylene, having the ability to be flexed and moved into a bucket until it could engage the walls/inside surface of the bucket).

11. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Devine and Latham Jr., as applied to claims 1 and 13 above, and further in view of Fuhs (US 4,613,439).

12. Concerning claim 14, Devine, as modified by Latham Jr., fails to disclose the ridges being disposed radially on the platform from a center to a platform perimeter. Fuhs teaches a similar draining/screen device to that of Devine and Latham Jr., the screen of Fuhs having a slanted platform (12, 12A, 12B) having a plurality of holes (32) therethrough and arrayed throughout the platform and having channels and plurality of ridges (13, 33) disposed radially on the platform from a center to a platform perimeter, as in figs. 1, 4 & 7 and cols.1 – 3. It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the platform of Devine as modified by Latham Jr., by adding the embodiment taught by Fuhs, in order to provide an alternative design for the platform as well as provide an improved design for the platform which helps in the separation of debris from a fluid/liquid it is being separated therefrom.

Response to Arguments and Amendments

13. Applicant's arguments and amendments, see Paper no. 8, filed 7-21-03, with respect to the previous final rejections of claims 1, 3 – 4, 6 – 7, 10, 13 – 17 and 19 under 35 USC 102 and 103 based on Biesinger, Dunn and Hill, have been fully considered and are persuasive.

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Therefore, the rejections have been withdrawn. However, upon further consideration and updated search, a new grounds of rejection is made in view of Devine and Latham, Jr. for claims 1, 3, 13 and 19. **This action is non-final.**

Allowable Subject Matter

14. Claims 4, 6 - 7 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. Claims 10 and 15 - 16 contain allowable subject matter.

16. The following is a statement of reasons for the indication of allowable subject matter: the closest prior include Devine, Latham Jr., Fuhs and Beisinger (applied prior art). However none of these prior art and those searched has disclosed or rendered obvious a wash bucket screen having the combination of limitations in the base claims 10 and 15 and having the feature claimed in claim 4. The prior art failed to disclose or teach the platform having channels in the skirt which open at the platform perimeter at the lower perimeter portion allowing the channeling of debris from the platform to a bucket bottom outside the skirt (claims 10 and 17) and the skirt having vertical slits opening to the skirt distal ends allowing skirt portions between the slits to bend resiliently as a flange extending horizontally from the skirt rides on a bucket wall and

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further having channels in the skirt opening at the platform on the platform perimeter at the lower perimeter portion and extending along the skirt for channeling debris from the platform to a bucket bottom outside the skirt (claim 15), and the screen having a flange extending horizontally outward from the skirt (claim 4).

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo whose telephone number is (703) 305-1039. The examiner can normally be reached on Mondays to Fridays from 8:30 A.M. to 4:30 P.M..

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (703) 308-0457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

19. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


M.S.O.


W. L. WALKER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700